

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

SEA STAR LINE, LLC, a limited :  
liability company, :  
 :  
Plaintiff, :  
 :  
v. : Civ. Act. No. 05-245-JJF  
 :  
EMERALD EQUIPMENT LEASING, INC., :  
a corporation, :  
 :  
Defendant. :

O R D E R

At Wilmington, this 26th day of January 2006, for the  
reasons set forth in the Memorandum Opinion issued this date;

IT IS HEREBY ORDERED that:

1. The Motion To Dismiss Emerald Equipment Leasing, Inc.'s  
Counterclaim (D.I. 56) filed by Plaintiff, Sea Star Line, LLC is  
(a) GRANTED with respect to (i) Count I of the Counterclaim  
filed by Emerald Equipment Leasing, Inc., to the extent that  
Count I alleges a breach of the E-Mail Agreement, (ii) Count II  
alleging quantum meruit, (iii) Count III alleging turnover to the  
extent that rent is sought, and (iv) Counts V through Counts VIII  
alleging tort claims for failure to adhere to the pleading  
requirements of Fed. R. Civ. P. 9(b), and (b) DENIED in all other  
respects.

2. Emerald Equipment Leasing, Inc. is granted leave to  
file an Amended Counterclaim **within twenty (20) days of the date  
of this Order.**

  
UNITED STATES DISTRICT JUDGE